Attorney Docket No.: B0410/7273D1 U.S. App. No. 10/767,551 Inventors: Robert L. Cafferata

Filed: January 29, 2004

Response to Restriction Requirement

REMARKS

The claims of Group III, directed to a method of improving the contractile power of myocardial tissue, are elected for prosecution. Claims 1, 10 and 20 are withdrawn. The restriction requirement placed claim 21, also drawn to this method, in Group II, the claims of which are drawn to an apparatus. Applicant thanks the examiner for the telephone call clarifying that claim 21 should have been placed with the method claims of Group III. The elected claims are therefore 21-31.

Claims 32-41 are added.

If the examiner believes that a telephone conversation with applicant's attorney would expedite prosecution of this application, the examiner is cordially invited to call the undersigned attorney of record. Should any additional fees be required to ensure consideration of this response, the Commissioner is authorized to charge Deposit Account No. 50-1721, Reference No. 0506765.0070.

Respectfully submitted,

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